

## SECTION

22. Either party may appeal from a justice's judgment.
23. How security for appeal shall be given and proceeded against.
24. Justice to return appeals to court on or before the second day of the term, and to summon witnesses.
25. How and in what time a party desirous to appeal or stay execution, but is unprovided with his sureties, shall proceed to obtain such appeal or stay of execution—How a party shall proceed who was unable to attend the trial from sickness or other sufficient cause—Duty of the justice and constable, upon such appeal being granted, or stay allowed.
26. Execution may issue before the stay or appeal is granted.

## SECTION

27. Upon security given for the stay or appeal, the officer must return the execution to the justice.
28. Justices may restrain rioters and disturbers of the peace.
29. Duty of two justices, with the sheriff, in suppressing unlawful assemblies, riots, &c.
30. The justices dwelling nearest, to perform this duty.
31. All magistrates to act in suppressing riots, &c.
32. Constables to serve notices.
33. How the notice to be served and returned.
34. Penalty on constables for failing to serve notices.
35. Notice may be given and proved as heretofore.

1848. CK 46

1. BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,

That every person appointed a justice of the peace, before entering upon and executing the said office, shall, within twelve months thereafter, and not after that time unless re-appointed, publicly in the court house of his county on a court day, take the oaths appointed or which shall be appointed by the General Assembly for the qualification of public officers, and also an oath of office. And if any person shall presume to execute the office of a justice of the peace, without first qualifying himself in the manner by this act required, he shall for every such offence forfeit and pay the sum of two hundred dollars, one half thereof to the county, the other half to the person suing for the same, to be recovered with costs by action of debt in any court of record within this State where the same is cognizable.

Within what time a person appointed a justice must take the necessary oaths for qualifying himself.

Penalty for acting without qualifying.

2. No justice of the peace, being a candidate for the office of a sheriff, county court clerk, register, entry taker, surveyor, county trustee or ranger of his county, shall vote or sit on the bench at the election of such officer. And if any justice of the peace shall sit on the bench or vote in such election, his vote shall not be counted, and he shall forfeit and pay for every such offence the sum of one hundred dollars, to be recovered by action of debt, one half to the person suing for the same, and the other half to the use of the county.

No justice, who is a candidate for the office of sheriff, &c. shall vote, or sit on the bench at the election.

Penalty for so doing.

3. When any justice of the peace hath or shall remove himself out of the county for which he is or shall be appointed, and shall not return within twelve months to reside therein, his appointment shall be void: and it shall not be lawful for such justice to act as a justice of the peace, unless re-appointed by the General Assem-

A justice removing and remaining out of the county 12 months, to lose his office.

1. 1777, c. 115, s. 52.—1793, c. 382, s. 5.

2. 1793, c. 382, s. 3.—1794, c. 418.

3. 1793, c. 382, s. 4.